

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAPAG-LLOYD AKTIENGESELLSCHAFT,

Plaintiff,

- against -

U.S. OIL TRADING L.L.C., O.W. BUNKER
GERMANY GMBH, and ING BANK N.V.,

Defendants.

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

No. 14 Civ. 9949 (VEC)

U.S. OIL TRADING LLC,

Plaintiff,

- against -

M/V VIENNA EXPRESS, her tackle, boilers,
apparel, furniture, engines, appurtenances, etc., *in*
rem, and M/V SOFIA EXPRESS, her tackle,
boilers, apparel, furniture, engines, appurtenances,
etc., *in rem*,

Defendants.

No. 15 Civ. 6718 (VEC)

HAPAG-LLOYD AG, as claimant to the
in rem defendant M/V VIENNA EXPRESS,

Third-Party Plaintiff,

- against -

O.W. BUNKER GERMANY GMBH, and ING
BANK N.V.,

Third-Party Defendants.

PLEASE TAKE NOTICE that upon its memorandum of law and Local Civil Rule 56.1 Statement of Material Facts, the accompanying Affidavit of Brian P. Maloney dated May 13, 2016, and upon all the prior pleadings and proceedings herein, ING Bank N.V., as Security Agent (“ING”), will move this Court, at the Thurgood Marshall United States Courthouse located at 40

Foley Square, Courtroom 443, New York, New York 10007, for an order finding that (1) U.S. Oil Trading LLC's ("USOT") maritime lien claims fail because USOT cannot show it took its orders from the vessel owners or a person authorized by the owners and (2) that the funds on deposit with the Court should be disbursed into a designated account to be handled as Collection Proceeds in an agreed manner by ING and O.W. Germany in accordance with their Cooperation Agreement.

New York, New York
May 13, 2016

SEWARD & KISSEL LLP

By: s/ Bruce G. Paulsen
Bruce G. Paulsen
Brian P. Maloney
One Battery Park Plaza
New York, New York 10004
(212) 574-1200

*Attorneys for ING Bank N.V., as Security
Agent*